

TRULINCS 20003052 - HIME, BRIAN - Unit: MCK-D-B

FROM: 20003052
TO: ~~Brian, Brian~~
SUBJECT: COMPASSIONATE RELEASE
DATE: 02/12/2021 06:22:37 PM

ATTEN: Honorable Judge Thomas J. McAvoy

RE: covid-19 compassionate release,
change of law in mandatory minimum.

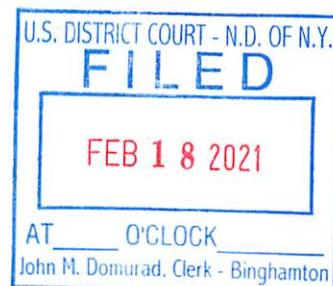
Hello Hon; Judge McAvoy amid this dangerous pandemic and trying time, i hope all is well with you and your family. I am not sure if you remember who i am its been sometime since i stood in your court room. i write you today asking for compassionate release. i felt compelled to ask you for a sentences reduction under the first step act of 2018 due to the act broadening to compassionate release. attached is a copy of the administrative remedy process required before bringing it to your honor.

upon my release i will be moving with my mom Charlene hime at 61 homer street Binghamton ny. i also have other family in the area who are willing to assist me in obtaining employment amid this pandemic should i be release.

however I'm not sure how to go about the filing of a motion to the courts or able to represent my self in the proper way. so I'm asking the courts to sign counsel to help me . i do not have the financial means to retain a lawyer. most money i do receive which isn't much i use towards my children. i know no one owes me anything your honor I'm just asking for a help with council.

thank you for your time,

Brian A. Hime
Brian A. Hime





Federal Correctional Institution, McKean
Inmate Request for Compassionate Release/RIS Consideration Form

TO: L. Lechien, CMC	DATE: 4-28-20
INMATE NAME: Brian Hime	REGISTER NO: 20003-052
SIGNATURE: Brian A. Hime	UNIT: D-B 101

Instructions: In order to be considered for Compassionate Release/RIS, you must complete this form and send it to the CMC. The information will be used to determine if your request meets the minimum guidelines for consideration, as referenced in the Program Statement 5050.50, Compassionate Release/Reduction in Sentence.

1. Check the category you are requesting Compassionate Release/RIS Consideration: (only one per request)

- Request based on Terminal Medical Condition
- Request based on Debilitated Medical Condition - one kidney
- Request based on New Law, Elderly inmates - non medical (70 years or older served 30 years of sentence)
- Request based on Elderly Inmates over 65 with Medical Conditions who have served more than 50% of sentence
- Request based on inmates age 65 or older who have served the greater of 10 years or 75% of the term of imprisonment to which the inmate was sentenced
- Request based on Death or Incapacitation of the Family Member Caregiver where you are the only caregiver for your minor child
- Request based on Incapacitation of a Spouse or Registered Partner where you are the only available caretaker

2. Explain the extraordinary or compelling circumstances which could not have been foreseen at the time of your sentencing you believe warrant Compassionate Release consideration. Continue on back, if necessary.

Three reasons: 1) The First Step Act changed the 851 statute I was sentenced under. 2) My last conviction conduct and rehabilitation program warrants a "second look" at my lengthy sentence. 3) Due to the Covid-19 pandemic I am extremely vulnerable to severe illness or death due to the fact I have only one kidney.

3. Submit your proposed Release Plans and continue on back, if necessary. The information should include the following detailed information:

1. Address and phone number of where you plan to live.
2. Your family supports in the community.
3. How you plan to cover your medical expenses and support yourself.
4. Where continued health treatment and services will be received.

1. 61 Homer St. Binghamton, NY 13901 #607-821-9023
2. Charlene Hime (Mother) Gina Cruz (sister)
3. Medicare
4. Lourdes Hospital and Health Services, Binghamton, NY

Hime, Brian
Reg. No.: 20003-052

This is in response to your Request for Compassionate Release/Reduction in Sentence Consideration dated April 28, 2020, and received in my office on May 1, 2020, in which you request a Reduction in Sentence based on a Debilitated Medical Condition.

A review of your request indicates you do not meet the criteria set forth in Program Statement 5050.50, Compassionate Release/Reduction in Sentence. Specifically, a RIS Consideration may be given to inmates with debilitated medical conditions if the inmate has an incurable, progressive illness, or has suffered a debilitating injury from which he will not recover. The above policy states the RIS should be considered if the inmate is completely disabled or capable of only limited self-care and is confined to a bed or chair more than 50% of waking hours. The Bureau of Prisons should also review any cognitive deficits of the inmate such as Alzheimer's disease or traumatic brain injury that has affected the inmate's mental capacity or function. The medical condition which you discussed in your application does not meet the medical criteria stated above. Additionally, you have a care level 1 medical assignment, which states healthy or simple chronic care.

Also, on your request you state you are seeking a Reduction In Sentence based on recent changes in law in the First Step Act. For this request, please refer to Program Statement 1330.15, Petition for Commutation of Sentence.

The Bureau of Prisons is taking extraordinary measures to contain the spread of COVID-19 and treat any affected inmates. We recognize that you, like all of us, have legitimate concerns and fears about the spread of the virus. However, your concern about being potentially exposed to, or possibly contracting, COVID-19 does not warrant an early release from your sentence.

Accordingly, your request for Compassionate Release/Reduction in Sentence is denied. If you are dissatisfied with this response, you may appeal through the Administrative Remedy Program.

I trust this information address your concerns.

Bradley M. Trate, Warden

Date

5/5/20

REQUEST FOR ADMINISTRATIVE REMEDY INFORMAL RESOLUTION FORM

Bureau of Prisons' Program Statement 1330.18, Administrative Remedy Procedures for Inmates, states, "before an inmate seeks formal review of a complaint he must try to resolve the complaint informally by presenting it to a staff member." The staff member must also try to resolve the complaint "informally" before the inmate will be given an Administrative Remedy Form.

INFORMAL RESOLUTION NUMBER: B-2020-074

Inmate's Name: Brian A. Hine No: 20003-052 UNIT: DB

1. Specific Complaint: My request for compassionate release/reduction in sentence was denied

2. Relief Requested:

A reversal of the Warden's decision to deny my request or the ability to proceed with my appeal through the Administrative Remedy Program.

3. Date/Time Complaint Received From Inmate: 05-15-20 / 0600 am

4. Date/Time Informally Discussed With Inmate:

05-15-20 / 1235 pm

5. Response From Staff:

See attached

6. Informal Resolution was or was not accomplished. WAS WAS NOT

7. Date Administrative Remedy Issued: 05-21-2020

See attached

Inmate's Signature/Reg. No.

Date 5-11-00

C Wood/ Counselor

Staff's Name/Title

Date 05-21-2020

See attached

Unit Manager's Signature

Date 5-21-2020

Distribution: If the complaint is informally resolved, staff shall maintain the informal resolution form for future reference. If the complaint is not informally resolved, attach the original informal resolution form to the BPR and return the both to unit staff who will forward to the Administrative Remedy Clerk.

Hime, Brian
20003-052

May 21, 2020

ADMINISTRATIVE REMEDY
B-2020-074

This is in response to your administrative remedy request received on May 15, 2020 in which you claim, "My request for compassionate release/reduction in sentence was denied."

As a result, you seek, "A reversal of the Warden's decision to deny my request or the ability to proceed with my appeal through the administrative remedy program."

A review of your request indicates you do not meet the criteria set forth in Program Statement 5050.50 Compassionate Release/Reduction in Sentence. Specifically, a RIS Consideration may be given to inmates with debilitated medical conditions if the inmate has an incurable, progressive illness, or has suffered a debilitating injury from which he will not recover. The above policy states the RIS should be considered if the inmate is completely disabled or capable of only limited self-care and is confined to a bed or chair more than 50% of waking hours. The Bureau of Prisons should also review any cognitive deficits of the inmate such as Alzheimer's disease or traumatic brain injury that has affected the inmate's mental capacity or function. The medical conditions which you discussed in your application does not meet the medical criteria stated above. Additionally, you have a care level 1 medical assignment, which states healthy or simple chronic care.

Also, on your request you stated you are seeking a Reduction in Sentence based on recent changes in law in the First Step Act. For this request, please refer to Program Statement 1330.15, Petition for Commutation of Sentence.

The Bureau of Prisons is taking extraordinary measures to contain the spread of COVID-19 and treat any affected inmates. We recognize that you, like all of us, have legitimate concerns and fears about the spread of the virus. However, your concern about being potentially exposed to, or possibly contracting, COVID-19 does not warrant an early release from your sentence.

I trust this addresses your concerns.

In the event you are dissatisfied with this response, you may submit your complaint to the Warden on a BP-9 form which you may obtain through your counselor. Please make sure you include a copy of this response along with the BP-9 and return it to your counselor to submit to the Warden.

C. Wood
Unit B Counselor

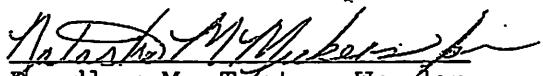
Part B - Response

This is in response to your Request for Administrative Remedy received in my office on May 29, 2020, in which you request reconsideration of the denial of your request for Compassionate Release/Reduction in Sentence.

As stated in your Request for Compassionate Release/Reduction In Sentence Consideration denial sent to you on May 5, 2020, you do not meet the criteria set forth in Program Statement 5050.50, Compassionate Release/Reduction In Sentence. Specifically, you don't meet the criteria for debilitated medical condition, as defined in the aforementioned policy. In your application, you also stated you were seeking a Reduction in Sentence based upon recent changes in law due to the First Step Act. You were appropriately referred to Program Statement 1330.15, Petition for Commutation of Sentence.

The Bureau of Prisons is taking extraordinary measures to contain the spread of COVID-19 and treat any affected inmates. We recognize that you, like all of us, have legitimate concerns and fears about the spread and effects of the virus. However, your concern about being potentially exposed to, or possibly contracting, COVID-19 does not currently warrant an early release from your sentence.

Based on this information, your Request for Administrative Remedy is denied. If you are dissatisfied with this response, you may appeal to the Regional Director, Federal Bureau of Prisons, U.S. Custom House, 7th Floor, 2nd and Chestnut Streets, Philadelphia, PA 19106, within 20 calendar days of the date of this response.



Bradley M. Tzate, Warden

6/9/2020

Date

FCI McKean COVID-19 Statement

During the COVID-19 pandemic, our focus at FCI McKean continues to be the health and safety of our employees, inmates and the community, while doing our part to control the spread of the disease. All visitors, inmates, and staff will be screened prior to entering FCI McKean. All persons will be required to wear a face mask at all times while at this facility, and maintain at least 6 ft. social distancing. Hand sanitizer is readily available and expected to be utilized when soap and water is not accessible.

Thank you for your continued support and patience as we navigate through this challenging time.

Federal corr facility McKeean (FCI)
Brian A. Hine #20003-052

P.O. Box 8000
Bradford PA. 16701

Hon. Judge Thomas J McAvoy

U.S. District Court

Northern District of New York

15-Henry St

Binghamton NY

13901

